

## **Guidelines for Including Agricultural Land Protection in the Sensitive Areas Element of the Comprehensive Plan**

The HB1141 Workgroup on the Elaboration and Integration of HB1141 and HB2 at MDP met to address two matters: how to include “agricultural and forest lands intended for resource protection or conservation” as part of the sensitive areas element of County comprehensive plans (as required by HB 1141), and how to reconcile this task with the designation of Priority Preservation Areas (PPAs) for certified Counties (as required by HB 2). The guidelines below will help County planners and MDP plan reviewers to work efficiently and avoid redundancy.

Regarding the structure of the comprehensive plan and how best to incorporate agricultural and forest lands into the sensitive areas element, it is useful to know that most County comprehensive plans already include a description of the County’s agricultural land resource and its importance to the County, followed by goals and recommended actions for protecting agricultural land. The Counties can move this information to the sensitive areas element. If the discussion of farmland protection makes more sense in another part of the plan, however, the County can mention it briefly in the sensitive areas element and direct the reader to the place in the plan where the topic is dealt with more fully.

As for information to include in the agricultural and forest resource section of the sensitive areas element, we recommend the approach to preservation contained in the parts of Agriculture Article 2-518 and State Finance and Procurement Article 5-408 modified by HB2. These provisions can serve as a useful guide for Counties that are NOT seeking certification of their agricultural land preservation programs. Counties that ARE seeking certification MUST follow the law and the implementing regulations (COMAR 14.28.08, which is being modified accordingly).

The sensitive areas element should consider the creation of a PPA as the means for protecting agricultural and forest resources. The PPA should:

- ▶ Contain productive agricultural or forest soils, or be capable of supporting profitable agricultural and forestry enterprises where productive soils are lacking;
- ▶ Be governed by local policies that stabilize the agricultural and forest land base so that development does not convert or compromise agricultural or forest resources;
- ▶ Be large enough to support the kind of agricultural operations that the County seeks to preserve, as represented in the comprehensive plan; and
- ▶ Be accompanied by the County’s acreage goal for land to be preserved through easements and zoning in the PPA equal to at least 80% of the remaining undeveloped areas of land in the area.

The sensitive areas element should do the following things:

- ▶ Establish appropriate goals for the amount and types of agricultural resource land to be preserved in a PPA.
- ▶ Consider that a PPA may consist of a single parcel of land, multiple connected parcels of land, or multiple unconnected parcels of land, and include Rural Legacy areas.
- ▶ Include maps showing the County PPA.
- ▶ Describe the kinds of agricultural production the County intends to support and the amount of development the County intends to allow.

- ▶ Describe the PPA in the context of the County's growth management plans.
- ▶ Describe the way in which preservation goals will be accomplished in the PPA, including:
  - The County's strategy to protect land from development through zoning;
  - Preserve the desired amount of land with permanent easements;
  - And maintain a rural environment capable of supporting the kind of production intended.
- ▶ Include an evaluation of the ability of the County's zoning and other land use management practices to do the following:
  - Limit the impact of subdivision and development
  - Allow time for easement purchase; and
  - Achieve the goals of the Maryland Agricultural Land Preservation Foundation (MALPF) program before they are irreparably undermined or impaired by development.<sup>1</sup>
- ▶ Identify shortcoming in the ability of the County's zoning and land management practices and identify current or future actions to correct the shortcomings;
- ▶ Describe the methods the County will use to concentrate preservation funds and other supporting efforts in the PPA to achieve the goals of MALPF and the County's preservation acreage goal.

Each time a County comprehensive plan is updated, the update should include an evaluation of the County's progress toward meeting the MALPF goals; any shortcoming in the County's ability to achieve MALPF goals; and past, current, and planned actions to correct any identified shortcomings.

**NOTE:** Revised regulations for the Agricultural Certification program and the designation of Priority Preservation Areas will be available soon. Please call and ask for a copy as you prepare for recertification or for including agricultural land in the sensitive areas element of the comprehensive plan. The regulations will provide requirements for certification, and guidelines for appropriate content for the agricultural and forestry land section of the sensitive areas element.

We will be happy to provide input and review draft language. Call Joe Tassone at (410) 767-4547 or Daniel Rosen at (410) 767- 4577.

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<sup>1</sup> Goals of the MALPF program, from the Agriculture Article, § 2-501: "It is the intent of the Maryland General Assembly to preserve agricultural land and woodland in order to: provide sources of agricultural products within the State for the citizens of the State; control the urban expansion which is consuming the agricultural land and woodland of the State; curb the spread of urban blight and deterioration; and protect agricultural land and woodland as open-space land." [1974, ch. 642, § 1; 1989, ch. 744.]